

# **EXHIBIT E33**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

STEPHEN LANZO, III, and  
KENDRA LANZO,

Plaintiffs,

vs.

CYPRUS AMAX MINERALS  
COMPANY, et al.,

Defendants.

DOCKET NO.  
MID-L-7385-16 AS

VOLUME II

CONTINUATION OF THE DEPOSITION OF  
WILLIAM E. LONGO, PhD

October 24, 2017

9:13 a.m.

11555 Medlock Bridge Road, Suite 100  
Johns Creek, Georgia

Debra R. Luther, RMR, CRR, CCR-B-881

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10:15:13 **1** see if there's intergrowth crystalline --

10:15:17 **2** intergrowth -- used to be transitional -- I guess

10:15:22 **3** intergrowth is the new buzzword for that -- you

10:15:26 **4** should rotate it and look at various angles on

10:15:29 **5** diffraction patterns or just accept that it is

10:15:32 **6** fibrous talc. And if you get an anthophyllite

10:15:35 **7** diffraction pattern, you should rotate it and see if

10:15:38 **8** it's transitional or not.

10:15:39 **9** Q. And when you say rotate it, you mean

10:15:42 **10** selected area electron diffraction?

10:15:44 **11** A. Correct. Rotate the fiber.

10:15:46 **12** Q. Okay. Dual zone axis?

10:15:49 **13** A. No, I wouldn't do dual zone axis. I would

10:15:52 **14** just look and see if you have any talc diffraction

10:15:54 **15** patterns. You don't need to do dual zone axis

10:15:59 **16** diffraction to identify these minerals.

10:16:01 **17** Q. Why do you say that?

10:16:02 **18** MR. MAIMON: Objection. Aside from the

10:16:04 **19** reasons that he testified to in his other

10:16:06 **20** depositions?

10:16:07 **21** MR. COOPER: Aside from the reasons,

10:16:08 **22** because I read that twice and I still don't

10:16:10 **23** understand it.

10:16:12 **24** MR. MAIMON: Oh, okay. Object. Asked and

10:16:13 **25** answered.

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10:16:13 **1** MR. COOPER: That may be my problem.

10:16:15 **2** Q. (By Mr. Cooper) But why do you say that?

10:16:16 **3** A. For the reasons I've already stated.

10:16:20 **4** Q. Okay. I'll go back and read it again.

10:16:25 **5** Is all of the case-specific information

10:16:28 **6** that you looked at listed in your report in this

10:16:36 **7** case --

10:16:36 **8** A. Yes, sir.

10:16:37 **9** Q. -- which I would mark as an exhibit if I

10:16:41 **10** can find it.

10:16:43 **11** A. I'm afraid to go into mine.

10:16:52 **12** MR. MAIMON: I have a copy.

10:16:54 **13** MR. COOPER: Can I mark yours?

10:16:54 **14** MR. MAIMON: Yes.

10:16:55 **15** MR. COOPER: Thanks. Let's mark this as

10:16:59 **16** Exhibit 22.

10:16:59 **17** (Defendant's Exhibit 22 was marked for

10:17:14 **18** identification.)

10:17:14 **19** Q. (By Mr. Cooper) My question is you didn't

10:17:17 **20** test any product that Mr. Lanzo actually used;

10:17:17 **21** correct?

10:17:23 **22** A. I didn't receive any of his personal

10:17:25 **23** products.

10:17:25 **24** Q. And you haven't tested anything that came

10:17:28 **25** from Mr. Lanzo's body, tissue, lymph nodes, anything

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10:17:33 **1** like that?

10:17:33 **2** A. I have not.

10:17:33 **3** Q. Okay. Let's talk a little bit about the

10:17:41 **4** Blount procedure.

10:17:43 **5** A. Let me get my file on that.

10:17:45 **6** Q. Okay.

10:17:46 **7** A. It may take me a second.

10:17:48 **8** Q. I sympathize completely.

10:19:47 **9** A. It would be on the bottom. Sorry for the

10:19:52 **10** delay.

10:19:52 **11** Q. That's fine. Ready?

10:20:14 **12** A. I am.

10:20:14 **13** Q. All right. I'm really interested in

10:20:22 **14** your -- why did you choose to use what we're calling

10:20:26 **15** the Blount procedure, but let's mark it better, and

10:20:30 **16** that would be the procedure outlined by Alice Blount

10:20:34 **17** in her 1991 paper -- which is actually part of an

10:20:41 **18** exhibit that has its number cut off, but that's

10:20:45 **19** probably sufficient -- entitled Amphibole Content of

10:20:50 **20** Cosmetic and Pharmaceutical Talcs. Why did you

10:20:52 **21** choose to use that Blount procedure?

10:20:56 **22** A. Because her method talked about the

10:20:58 **23** utility of separating out the denser amphiboles

10:21:04 **24** versus the talc material so that you can have a more

10:21:08 **25** sensitive analysis by polarized light microscopy.

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10:21:12 **1** It made sense to me that if it worked for

10:21:17 **2** polarized light microscopy, it may work for

10:21:19 **3** transmission electron microscopy, that it could

10:21:22 **4** concentrate the materials and eliminate the need to

10:21:25 **5** look at hundreds and hundreds and hundreds of grid

10:21:29 **6** openings to reach the sensitivity necessary for these

10:21:32 **7** trace amounts of amphiboles in the cosmetic talc.

10:21:36 **8** Q. My understanding is that what you're

10:21:39 **9** trying to do in this process is to get rid of

10:21:42 **10** extraneous lighter particles so that you don't have

10:21:46 **11** to sort through them in your analysis. Is that a

10:21:51 **12** layman's description or no?

10:21:53 **13** A. No. What it is is you want to have enough

10:21:57 **14** material to start with, turns out about 20 milligrams

10:22:02 **15** is about the limit for TEM, so that you can have a

10:22:06 **16** concentrated sample which would increase or lower the

10:22:13 **17** detection limit and not overload the TEM sample.

10:22:18 **18** When you're doing TEM analysis, you have

10:22:19 **19** the problem of if you're looking for trace

10:22:25 **20** materials -- increasing the weight of what you're

10:22:28 **21** analyzing increases the probability if it is trace

10:22:31 **22** that you can find it.

10:22:33 **23** If you have talc in there, to increase

10:22:37 **24** that concentration the talc starts overlaying each

10:22:40 **25** other and you have a TEM grid you can't analyze. And

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10:22:43 **1** that's why many laboratories -- laboratories have  
 10:22:46 **2** done these types of analyses and increase the grid  
 10:22:51 **3** openings, which is fine. That's a very -- that is a  
 10:22:57 **4** good method for decreasing -- increasing the  
 10:23:01 **5** sensitivity.  
 10:23:02 **6** By doing the Blount method, we were trying  
 10:23:04 **7** to get these analyses where we could look at 100 grid  
 10:23:09 **8** openings and streamline the analysis, and the Blount  
 10:23:13 **9** method was a logical thing to try. We didn't know  
 10:23:16 **10** when we tried it that it would work for TEM or not or  
 10:23:19 **11** the sample prep, but it turned out that it did.  
 10:23:21 **12** Q. Where did you first come across Blount's  
 10:23:29 **13** paper?  
 10:23:29 **14** A. I came across it from the Johnson &  
 10:23:34 **15** Johnson's documents.  
 10:23:35 **16** Q. Okay. When was that?  
 10:23:37 **17** A. Before I used it. I mean, I really don't  
 10:23:43 **18** know.  
 10:23:43 **19** Q. Kind of obvious.  
 10:23:45 **20** A. I don't mean to be --  
 10:23:49 **21** Q. Last few years?  
 10:23:52 **22** A. No, it's -- I think whenever we started  
 10:23:57 **23** this analysis, I had it before that, but, you know,  
 10:24:00 **24** last year.  
 10:24:01 **25** Q. Okay. Blount used a heavy liquid with a  
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10:24:09 **1** density of a 2.81, and you used a heavy liquid with a  
 10:24:15 **2** density of 2.85. Why the difference?  
 10:24:17 **3** A. The 2.81 is a little harder to deal with,  
 10:24:20 **4** and we were trying to increase it somewhat -- and you  
 10:24:29 **5** can buy 2.85 and adjust it. So we didn't feel that  
 10:24:33 **6** 2.81 versus 2.85 would make any difference between  
 10:24:39 **7** separating out tremolite versus talc.  
 10:24:40 **8** Q. In Blount's method in using the 2.81,  
 10:24:44 **9** there would be no overlap with the density of  
 10:24:46 **10** anthophyllite; correct?  
 10:24:53 **11** A. Let's see. I have to get it.  
 10:24:55 **12** Q. I think it's 2.84.  
 10:24:57 **13** A. 2.84. That's too close.  
 10:24:59 **14** Q. So Blount's method, she would still have  
 10:25:02 **15** interference from anthophyllite?  
 10:25:04 **16** A. In fact, she didn't find any  
 10:25:08 **17** anthophyllite.  
 10:25:08 **18** Q. That was going to be my point. My  
 10:25:15 **19** question is why didn't you use a lower density  
 10:25:26 **20** material and therefore not have the issue that is  
 10:25:31 **21** raised in your August 2nd report for finding  
 10:25:34 **22** anthophyllite?  
 10:25:34 **23** MR. MAIMON: Object to form.  
 10:25:35 **24** THE WITNESS: Because the slight  
 10:25:42 **25** difference there is not enough, in my opinion,  
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10:25:44 **1** because you're still getting some talc particles  
 10:25:49 **2** of fibers down.  
 10:25:50 **3** You know, maybe in the future we'll go  
 10:25:51 **4** back and do that and see if that actually works  
 10:25:56 **5** and revise the reports and add anthophyllite to  
 10:26:00 **6** them if it's present.  
 10:26:01 **7** Q. (By Mr. Cooper) And that was going to be  
 10:26:02 **8** my next question, is given the density of the  
 10:26:05 **9** material, why did you still find talc?  
 10:26:09 **10** A. It's mostly talc fibers, but because you  
 10:26:15 **11** have hundreds of millions and millions of talc,  
 10:26:18 **12** you're still going to see some. It falls -- goes  
 10:26:24 **13** down, stuck to the tremolite, you're always going to  
 10:26:27 **14** see some.  
 10:26:29 **15** I think Blount even talks about there is  
 10:26:31 **16** talc in hers. So what's going on there and why it  
 10:26:37 **17** happens, I haven't sat down and gone this is the  
 10:26:42 **18** scientific explanation, but it happened with Blount,  
 10:26:45 **19** and it happened with us.  
 10:26:45 **20** Q. There's no difference in density between  
 10:26:49 **21** talc fibers and platy talc, is there?  
 10:26:51 **22** A. I'm not sure because we're seeing more  
 10:26:54 **23** fibrous talc than we are -- so I'm not sure yet.  
 10:26:58 **24** Q. Okay.  
 10:26:58 **25** A. You would think not.  
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10:27:01 **1** Q. Makes sense to me, but okay.  
 10:27:04 **2** A. But we haven't explored that.  
 10:27:06 **3** Q. Blount used a 60 milligram sample, you  
 10:27:09 **4** used 20, I think?  
 10:27:11 **5** A. We tried 60 milligrams, and it just  
 10:27:19 **6** completely overloaded the TEM grids.  
 10:27:21 **7** Q. Okay.  
 10:27:21 **8** A. So for PLM that's fine; not for TEM.  
 10:27:25 **9** Q. Okay. Do you know what the difference in  
 10:27:29 **10** magnification between the TEM that you were using and  
 10:27:32 **11** the optical microscope that Blount was using?  
 10:27:37 **12** A. Well, she was doing polarized light, so  
 10:27:40 **13** that's typically around 400, 450. Some people will  
 10:27:45 **14** do -- go up higher if they're doing dispersion  
 10:27:48 **15** staining, even though that defeats the purpose. So  
 10:27:53 **16** typical polarized light microscopy, if you're using  
 10:27:56 **17** dispersion aperture, 450, 500.  
 10:27:59 **18** Q. And your TEM?  
 10:28:00 **19** A. We routinely analyze those at 20,000.  
 10:28:05 **20** Q. Okay. Is that 500 times? Math was not my  
 10:28:11 **21** strong suit.  
 10:28:13 **22** A. Let's see. Yes. Very good.  
 10:28:19 **23** Q. We shouldn't do this in our heads. At  
 10:28:22 **24** least I shouldn't.  
 10:28:23 **25** Now, Blount analyzed all aspect ratios;  
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13:18:47 **1** MR. KRASINSKI: Okay. I think that's all  
 13:18:49 **2** I have.  
 13:18:51 **3** MR. COOPER: Just one more.  
 13:18:51 **4** FURTHER EXAMINATION  
 13:18:53 **5** BY MR. COOPER:  
 13:18:53 **6** **Q.** Obviously, this can had been opened  
 13:18:57 **7** before; right?  
 13:18:58 **8** **A.** Yes, sir, as I testified earlier, it was  
 13:18:58 **9** opened.  
 13:19:03 **10** **Q.** I missed it.  
 13:19:04 **11** **A.** Well, earlier in August.  
 13:19:04 **12** MR. COOPER: Okay. Thank you, sir.  
 13:19:12 **13** MR. MAIMON: One more question.  
 13:19:12 **14** FURTHER EXAMINATION  
 13:19:12 **15** BY MR. MAIMON:  
 13:19:12 **16** **Q.** And the particle size distribution for the  
 13:19:16 **17** bottle of Johnson's Baby Powder used in Project  
 13:19:21 **18** 14-1852, was that consistent with the off-the-shelf  
 13:19:25 **19** as well as the Simon Greenstone samples that had the  
 13:19:31 **20** chain of custodies?  
 13:19:32 **21** **A.** Yes.  
 13:19:33 **22** MR. MAIMON: Thank you. That's it.  
 13:19:38 **23** FURTHER EXAMINATION  
 13:19:39 **24** BY MR. COOPER:  
 13:19:39 **25** **Q.** I actually have one question in response

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**1** samples, and my answer is I have not analyzed all the  
**2** other samples.  
**3** **Q.** Okay. That's what I thought your answer  
**4** was.  
**5** **A.** It was.  
**6** MR. COOPER: Okay. Thank you.  
**7** So I accept the asked and answered and I  
**8** endorse it.  
**9** (Discussion off the record.)  
**10** (Defendant's Exhibits 24 and 26 were  
**11** marked for identification.)  
**12** FURTHER EXAMINATION  
**13** BY MR. KRASINSKI:  
**14** **Q.** Dr. Longo, have you ever done a  
**15** time-weighted average for your below the waist  
**16** demonstration?  
**17** **A.** No, we did not do a time-weighted average.  
**18** We just did a short-term sample duration.  
**19** MR. KRASINSKI: Okay.  
**20** (Deposition concluded at 1:24 p.m.)  
**21** (Pursuant to Rule 30(e) of the Federal  
**22** Rules of Civil Procedure and/or OCGA 9-11-30(e),  
**23** signature of the witness has been reserved.)  
**24** (Original transcript sent to Mr. Frost.)  
**25**

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13:19:42 **1** to that, and that is but the particle size  
 13:19:44 **2** distribution doesn't necessarily tell you that this  
 13:19:46 **3** isn't somebody else's cosmetic talc, does it?  
 13:19:51 **4** MR. MAIMON: Objection. Asked and  
 13:19:52 **5** answered.  
 13:19:54 **6** THE WITNESS: The tremolite asbestos just  
 13:19:56 **7** on its own, no. The particle size distribution  
 13:19:59 **8** that we have is, in my opinion, indicative that  
 13:20:04 **9** this is from Johnson & Johnson, and it's all  
 13:20:06 **10** consistent.  
 13:20:09 **11** **Q.** (By Mr. Cooper) And why is it different  
 13:20:12 **12** from some other manufacturer's particle size  
 13:20:15 **13** distribution?  
 13:21:30 **14** **A.** I can't believe I can't find this stuff  
 13:21:33 **15** when I need to.  
 13:21:45 **16** **Q.** What are you looking for?  
 13:21:46 **17** **A.** I'm looking for the industry paper of talc  
 13:21:51 **18** used in application -- cosmetic applications where  
 13:21:56 **19** they make a statement that says here's the size  
 13:21:58 **20** distribution, but manufacturers of these materials  
 13:22:00 **21** have different procedures, different size  
 13:22:03 **22** distributions, et cetera.  
 13:22:05 **23** It's just an indication. So the question  
 13:22:10 **24** is you don't know that somebody else made the exact  
 13:22:14 **25** same size distribution as J&J did through all these

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**1** C E R T I F I C A T E  
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**3** STATE OF GEORGIA:  
**4** COUNTY OF GWINNETT:  
**5**  
**6** I hereby certify that the foregoing  
**7** transcript was taken down, as stated in the  
**8** caption, and the questions and answers thereto  
**9** were reduced to typewriting under my direction;  
**10** that the foregoing pages 243 through 397  
**11** represent a true, complete, and correct  
**12** transcript of the evidence given upon said  
**13** hearing, and I further certify that I am not of  
**14** kin or counsel to the parties in the case; am  
**15** not in the regular employ of counsel for any of  
**16** said parties; nor am I in anywise interested in  
**17** the result of said case.  
**18** This, the 25th day of October 2017.  
**19**

**20**  
**21** DEBRA R. LUTHER, B-881  
 Georgia Certified Court Reporter

**22**  
**23**  
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If supplemental or additional pages are necessary, please furnish same in typewriting annexed to this deposition.

WILLIAM E. LONGO, PhD

Sworn to and subscribed before me,

This, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public  
My commission expires: \_\_\_\_\_

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DEPOSITION OF WILLIAM E. LONGO, PhD /DRL

I do hereby certify that I have read all questions propounded to me and all answers given by me on the 24th day of October 2017, taken before Debra R. Luther, and that:

- \_\_\_\_\_ 1) There are no changes noted.  
\_\_\_\_\_ 2) The following changes are noted:

Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e), both of which read in part: Any changes in form or substance which you desire to make shall be entered upon the deposition...with a statement of the reasons given...for making them. Accordingly, to assist you in effecting corrections, please use the form below:

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